

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING TO A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 13th day of October, two thousand twenty-one.

PRESENT:

GUIDO CALABRESI,
JOSÉ A. CABRANES,
STEVEN J. MENASHI,
Circuit Judges.

MARTHA YANIRA CARCAMO-AYALA, YANIRA
ALEXANDRA CRUZ-CARCAMO, JHOAN STIVEN
CRUZ-CARCAMO,
Petitioners,

v.

MERRICK B. GARLAND, UNITED
STATES ATTORNEY GENERAL,
Respondent.

**19-1643
NAC**

FOR PETITIONERS:

H. Raymond Fasano, Esq., Youman,
Madeo & Fasano, LLP, New York,
NY.

FOR RESPONDENT:

Joseph H. Hunt, Assistant Attorney
General; Jessica E. Burns, Senior
Litigation Counsel; John B. Holt,

1 Trial Attorney, Office of
2 Immigration Litigation, United
3 States Department of Justice,
4 Washington, DC.
5

6 UPON DUE CONSIDERATION of this petition for review of a
7 Board of Immigration Appeals ("BIA") decision, it is hereby
8 ORDERED, ADJUDGED, AND DECREED that the petition for review
9 is DENIED.

10 Petitioners Martha Yanira Carcamo-Ayala, Yanira
11 Alexandra Cruz-Carcamo, and Jhoan Stiven Cruz-Carcamo,
12 natives and citizens of El Salvador, seek review of a May
13 10, 2019, decision of the BIA affirming a December 20, 2017,
14 decision of an Immigration Judge ("IJ") denying asylum and
15 withholding of removal. *In re Martha Yanira Carcamo-Ayala,*
16 *et al.*, Nos. A206 359 498/499/500 (B.I.A. May 10, 2019),
17 *aff'g* Nos. A206 359 498/499/500 (Immig. Ct. N.Y. City Dec.
18 20, 2017). We assume the parties' familiarity with the
19 underlying facts and procedural history.

20 We have reviewed the IJ's decision as modified by the
21 BIA, i.e., minus the adverse credibility determination that
22 the BIA declined to reach. *See Xue Hong Yang v. U.S. Dep't*
23 *of Justice*, 426 F.3d 520, 522 (2d Cir. 2005). The
24 applicable standards of review are well established. *See*
25 8 U.S.C. § 1252(b)(4)(B); *Paloka v. Holder*, 762 F.3d 191,

1 195 (2d Cir. 2014).

2 An applicant for asylum and withholding of removal must
3 establish a nexus between the harm she suffered and fears
4 and her "race, religion, nationality, membership in a
5 particular social group, or political opinion." 8 U.S.C.
6 §§ 1158(b)(1)(B)(i), 1231(b)(3)(A). The agency did not err
7 in finding that Carcamo-Ayala failed to demonstrate a nexus
8 between the harm she suffered and fears from gangs and her
9 membership in the particular social group of her husband's
10 family.

11 Her testimony did not compel the agency to conclude
12 that gang members targeted her based on her familial ties
13 rather than for financial reasons, and "harm motivated
14 purely by wealth is not persecution." *Ucelo-Gomez v.*
15 *Mukasey*, 509 F.3d 70, 73-74 (2d Cir. 2007) ("When the harm
16 visited upon members of a group is attributable to the
17 incentives presented to ordinary criminals rather than to
18 persecution, the scales are tipped away from considering
19 those people a 'particular social group.'"); see 8 U.S.C.
20 §§ 1158(b)(1)(B)(i), 1231(b)(3)(A); see also *Yueqing Zhang*
21 *v. Gonzales*, 426 F.3d 540, 545 (2d Cir. 2005) (requiring
22 applicant to show nexus "through direct or circumstantial
23 evidence" of the persecutor's motive). We find that,

1 contrary to Carcamo-Ayala's contention, the BIA adequately
2 explained its decision. And we do not reach her political
3 opinion claim or allegations of IJ bias because she failed
4 to exhaust those issues before the BIA. See *Lin Zhong v.*
5 *U.S. Dep't of Justice*, 480 F.3d 104, 122 (2d Cir. 2007).

6 Because Carcamo-Ayala failed to establish a nexus
7 between the harm she fears and a protected ground, the
8 agency did not err in denying asylum and withholding of
9 removal. See 8 U.S.C. §§ 1101(a)(42), 1158(b)(1)(A),
10 (B)(i), 1231(b)(3)(A). We lack jurisdiction to review the
11 IJ's denial of Carcamo-Ayala's CAT claim because she did not
12 adequately challenge that decision on appeal to the BIA.
13 See *Karaj v. Gonzales*, 462 F.3d 113, 119 (2d Cir. 2006).

14 For the foregoing reasons, the petition for review is
15 DENIED. All pending motions and applications are DENIED and
16 stays VACATED.

17 FOR THE COURT:
18 Catherine O'Hagan Wolfe,
19 Clerk of Court